

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EMILIO MERCADO CHACON

DEBTOR

CASE NO. 14-04868-MCF

CHAPTER 13

**DEBTOR'S MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

TO THE HONORABLE COURT:

NOW COMES, EMILIO MERCADO CHACON, through the undersigned attorney, and very respectfully states and prays as follows:

1. The debtor is hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated September 15, 2015, herewith and attached to this motion.

2. This Plan modification is filed to cure the "insufficiently funded" issue raised by the Trustee in his unfavorable recommendation at docket #57.

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)(2)(b)

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular mail to the debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

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Case no. 14-04868-MCF13

Post confirmation modification of chapter 13 Plan

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 15th day of September, 2015.

/s/Roberto Figueroa Carrasquillo

ROBERTO FIGUEROA CARRASQUILLO

USDC 203614

ATTORNEY FOR PETITIONER

PO BOX 186 CAGUAS PR 00726

TEL 787-744-7699 FAX NO 787-746-5294

EMAIL: rfigueroa@rfclawpr.com

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 3:14-bk-4868

MERCADO CHACON, EMILIO

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>9/15/2015</u> <input type="checkbox"/> AMENDED PLAN DATED: _____ <input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other													
<p>I. PAYMENT PLAN SCHEDULE</p> <table style="width:100%;"> <tr> <td>\$ <u>175.00</u> x <u>3</u> = \$</td> <td><u>525.00</u></td> </tr> <tr> <td>\$ <u>0.00</u> x <u>4</u> = \$</td> <td><u>0.00</u></td> </tr> <tr> <td>\$ <u>175.00</u> x <u>11</u> = \$</td> <td><u>1,925.00</u></td> </tr> <tr> <td>\$ <u>260.00</u> x <u>26</u> = \$</td> <td><u>6,760.00</u></td> </tr> <tr> <td>\$ <u>635.00</u> x <u>16</u> = \$</td> <td><u>10,160.00</u></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL: \$ <u>19,370.00</u></td> </tr> </table> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ <u>19,370.00</u></p> <p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,793.00</u></p> <p>Signed: <u>[Signature]</u> Debtor</p> <p>_____ Joint Debtor</p>	\$ <u>175.00</u> x <u>3</u> = \$	<u>525.00</u>	\$ <u>0.00</u> x <u>4</u> = \$	<u>0.00</u>	\$ <u>175.00</u> x <u>11</u> = \$	<u>1,925.00</u>	\$ <u>260.00</u> x <u>26</u> = \$	<u>6,760.00</u>	\$ <u>635.00</u> x <u>16</u> = \$	<u>10,160.00</u>	TOTAL: \$ <u>19,370.00</u>		<p>II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR \$ _____</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>Scotiabank De PR</u> Cr. <u>Scotiabank De PR</u> Cr. <u>See Attached</u> # <u>Claim 1-1</u> # <u>7557 Post-petition</u> # _____ \$ <u>1,862.77</u> \$ <u>2,634.52</u> \$ _____ 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. <u>Empresas Berrios In</u> Cr. _____ Cr. _____ # <u>Claim 2-1</u> # _____ # _____ \$ <u>2,088.57</u> \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>Coop A/C San Jose</u> <u>Scotiabank De PR</u> C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p> <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) * Additional Attorney's Fees: \$350.00 payment for the services rendered in connection to debtor(s)' post confirmation plan and related procedures for approval, pursuant to R. 2016 (f) (3). * "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds." * ASUME Priority Claim # 3-2; Pre-petition arrears to be paid through the Trustee; debtor to continue to make current direct post-petition payments to ASUME - Account 0281014.</p>
\$ <u>175.00</u> x <u>3</u> = \$	<u>525.00</u>												
\$ <u>0.00</u> x <u>4</u> = \$	<u>0.00</u>												
\$ <u>175.00</u> x <u>11</u> = \$	<u>1,925.00</u>												
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\$ <u>635.00</u> x <u>16</u> = \$	<u>10,160.00</u>												
TOTAL: \$ <u>19,370.00</u>													

Attorney for Debtor R. Figueroa Carrasquillo Law Office

Phone: (787) 744-7699

IN RE MERCADO CHACON, EMILIO

Debtor(s)

Case No. 3:14-bk-4868

AMENDED CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 1 of 1

	Cr	#	\$
Trustee pays secured ARREARS:	Coop A/C San Jose	Claim 6-1	620.97
	Coop A/C San Jose	3620 Post-Petition	3,213.11
Executory Contracts - Rejected:	Rent A Center		

Label Matrix for local noticing
0104-3
Case 14-04868-MCF13
District of Puerto Rico
Old San Juan
Tue Sep 15 15:01:02 AST 2015

SCOTIABANK DE PUERTO RICO
CARDONA JIMENEZ LAW OFFICE PSC
PO BOX 9023593
SAN JUAN, PR 00902-3593

AEE
PO BOX 372828
CAYEY PR 00737 2828

Coop San Jose
Aptdo 2020
Aibonito, PR 00705-2020

First Premier Bank
PO Box 5147
Sioux Falls, SD 57117-5147

Synchrony Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

COOP A/C SAN JOSE
JOSE A SANTINI BONILLA ESQ
PO BOX 552
AIBONITO, PR 00705-0552

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

ASUME
PO Box 11218
San Juan, PR 00910-2318

Depto De Transportacion Y Obras Publicas
PO Box 41269
San Juan, PR 00940-1269

Rent A Center
5501 Headquarters Dr
Plano, TX 75024-5845

EMILIO MERCADO CHACON
TREASURE VALLEY
A12 MEXICO STREET
CIDRA, PR 00739-3628

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Empresas Berrios Inc
PO Box 674
Cidra, PR 00739-0674

Scotiabank De PR
PO Box 362649
San Juan, PR 00936-2649

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)ASUME-MARIA GONZALEZ CLAUDIO PO BOX 71316

(d)SCOTIABANK DE PUERTO RICO
CARDONA-JIMENEZ LAW OFFICE, PSC
P.O. BOX 9023593
SAN JUAN, PR 00902-3593

End of Label Matrix
Mailable recipients 19
Bypassed recipients 2
Total 21